IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.324 OF 2004

Krushnath Bandu Bhosale & Ors. ...Petitioners.

Versus

Shri Datta Nagari Sahakari Pat
Sanstha Maryadit, Takali & Ors. ...Respondents.

Shri A.M.Kulkarni i/b A.A.Kumbhakoni for the Petitioners.
None for the Respondents.

CORAM : S.C.DHARMADHIKARI,J.

DATE : 8th FEBRUARY, 2006.

P.C. :

1. Heard Shri Kulkarni - learned Counsel appearing for the petitioners.

2. This Petition under Articles 226 & 227 of the Constitution of India challenges an order passed by the Divisional Joint Registrar, Co-operative Societies, Kolhapur dated 14th January, 2003 in Revision Application No.37 of 2003.

3. The Assistant Registrar, Co-operative Societies, Shirol Jaisingpur by his order dated 6th January, 2003 (Exh.H) appointed an Administrator on the respondent No.1 Society. Aggrieved thereby, the Revision Application was preferred and the order appointing Administrator is set-aside.

4. The grievance of Shri Kulkarni is that the order is set-aside by the Divisional Joint Registrar despite there being serious objections to the manner in which the respondent Nos.2 & 3 carrying on the affairs of the first respondent Society. The petitioners had pointed out even earlier that powers have been abused by respondent Nos.2 & 3 and several acts of omission and commission as well as mis-management were brought to the notice of the Authorities. It is based on these allegations that the Assistant Registrar proceeded to appoint an Administrator.

5. The grievance of Shri Kulkarni is that respondent Nos.2 & 3 are perpetuating the above acts and even now there are complaints of serious nature about their functioning.

6. In my view, better course would be to permit the petitioners to move the Authorities and invoke their powers under the Co-operative Societies Act to request them to take such action, as is permissible in law, against respondent Nos.2 & 3. Needless to state that if such a request is made, the same will be considered on its own merits and in accordance with law uninfluenced by the order of the Revisional Authority dated 14th January, 2003. Petition disposed of.

(S.C.DHARMADHIKARI,J.)